



# Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Fourteenth Meeting Day

Thursday Afternoon

February 7, 2008

The Senate convened at 1:31 p.m., with the President Pro Tempore of the Senate, David C. Long, in the Chair.

Prayer was offered by Senator Thomas K. Weatherwax.

The Pledge of Allegiance to the Flag was led by Senator Weatherwax.

The Chair ordered the roll of the Senate to be called. Those present were:

|                                 |                                |
|---------------------------------|--------------------------------|
| Alting                          | Long                           |
| Arnold                          | Lubbers                        |
| Becker                          | Meeks                          |
| Boots                           | Merritt                        |
| Bray <input type="checkbox"/>   | Miller                         |
| Breaux                          | Mishler                        |
| Broden                          | Mrvan                          |
| Charbonneau                     | Nugent                         |
| Deig                            | Paul                           |
| Delph                           | Riegsecker                     |
| Dillon                          | Rogers                         |
| Drozda <input type="checkbox"/> | Simpson                        |
| Errington                       | Sipes                          |
| Ford <input type="checkbox"/>   | Skinner                        |
| Gard                            | Smith                          |
| Hershman                        | Steele                         |
| Howard <input type="checkbox"/> | Tallian                        |
| Hume                            | Walker                         |
| Jackman                         | Waltz                          |
| Kenley                          | Waterman                       |
| Kruse                           | Weatherwax                     |
| Lanane                          | Wyss                           |
| Landske                         | Young, M.                      |
| Lawson                          | Young, R.                      |
| Lewis                           | Zakas <input type="checkbox"/> |

Roll Call 182: present 45; excused 5. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1017, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1045, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.1-2006, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 107. "Fund" has the following meaning:

- (1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.
- (2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.
- (3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.
- (4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.
- (5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
- (6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
- (7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.
- (8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.
- (9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.
- (10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.
- (11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.
- (12) For purposes of IC 14-20-1, the meaning set forth in IC 14-20-1-3.
- (13) For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.
- (14) For purposes of IC 14-21-4, the meaning set forth in IC 14-21-4-10.

~~(14)~~ (15) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.

~~(15)~~ (16) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.

~~(16)~~ (17) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.

~~(17)~~ (18) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.

~~(18)~~ (19) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.

~~(19)~~ (20) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.

~~(20)~~ (21) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).

~~(21)~~ (22) For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(22)~~ (23) For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(23)~~ (24) For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

~~(24)~~ (25) For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(25)~~ (26) For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(26)~~ (27) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(27)~~ (28) For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(28)~~ (29) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(29)~~ (30) For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(30)~~ (31) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(31)~~ (32) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(32)~~ (33) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(33)~~ (34) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 4. IC 14-8-2-123.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 123.5. "Historic courthouse", for purposes of IC 14-21-4, has the meaning set forth in IC 14-21-4-2."**

Page 3, line 6, delete "2" and insert "3".

Page 3, between lines 6 and 7, begin a new paragraph and insert:

**"Sec. 2. As used in this chapter, "historic courthouse" refers to a county courthouse listed in or eligible for the National Register of Historic Places or the Indiana Register of Historic Sites and Structures."**

Page 3, line 7, delete "2." and insert "3.".

Page 3, line 9, delete "3." and insert "4.".

Page 3, between lines 9 and 10, begin a new line block indented and insert:

**"(1) One (1) licensed architect with experience in building preservation.**

**(2) One (1) registered professional engineer with experience in building preservation.**

**(3) One (1) architectural historian.**

**(4) One (1) county commissioner.**

**(5) One (1) representative of a local community foundation.**

**(6) One (1) representative of the Association of Indiana Counties.**

**(7) One (1) representative of the Indiana Association of County Commissioners.**

**(8) Two (2) members representing a statewide taxpayer association.**

**(9) One (1) judge of a county, superior, or circuit court.**

**(10) The chief justice of the Indiana supreme court or the chief justice's designee.**

**(11) The director of the division or the director's designee.**

**(12) The president of the Historic Landmarks Foundation of Indiana or the president's designee.**

**(13) The director of the office of community and rural affairs or the director's designee."**

Page 3, delete lines 10 through 30.

Page 3, line 31, delete "(a)(10)" and insert "(a)(8)".

Page 3, line 33, delete "(a)(11)" and insert "(a)(9)".

Page 3, line 35, delete "4." and insert "5.".

Page 3, line 35, delete "3(a)(1)" and insert "4(a)(1)".

Page 3, line 36, delete "3(a)(11)" and insert "4(a)(9)".

Page 4, line 2, delete "5." and insert "6.".

Page 4, line 3, delete "The" and insert **"However, subject to the availability of money in the courthouse preservation fund, a member is"**.

Page 4, line 4, delete "member is, however,".

Page 4, line 10, delete "6." and insert "7.".

Page 4, line 10, delete "staff and".

Page 4, line 11, after "for" insert **"meetings of"**.

Page 4, line 12, after "from" insert **"money in the courthouse preservation fund."**.

Page 4, delete line 13.

Page 4, line 14, delete "7." and insert "8.".

Page 4, line 14, delete "ten (10)" and insert **"eight (8)"**.

Page 4, line 17, delete "8." and insert "9.".

Page 4, between lines 17 and 18, begin a new paragraph block indented and insert:

**"(1) Upon request by county officials, travel to county courthouses to assess potential courthouse rehabilitation projects. The assessments may include providing an appraisal of the condition of the courthouse and rehabilitation cost estimates.**

**(2) Provide technical assistance for courthouse rehabilitation projects to encourage proper preservation practices.**

**(3) Upon request by county officials, review and provide recommendations on architectural plans for courthouse related projects.**

**(4) Upon request by county officials, review and provide recommendations on engineering plans for courthouse related projects.**

**(5) Provide county officials with information concerning**

funding sources for courthouse preservation projects.

(6) Make an assessment concerning the importance of preserving historic courthouses to the history and identity of county seats and counties.

(7) Make an assessment of the importance of preserving historic courthouses to the economic revitalization of county seats and counties.

(8) Investigate the need for rehabilitation, restoration, and maintenance of historic courthouses.

(9) Study the condition of historic courthouses.

(10) Study the needs of county officials in planning for the successful restoration, rehabilitation, and maintenance of historic courthouses.

(11) Meet at least once each quarter."

Page 4, delete lines 18 through 29.

Page 4, line 30, delete "9." and insert "10."

Page 5, line 6, delete "IC 14-21-4-2," and insert "IC 14-21-4-3,".

Page 5, line 8, delete "IC 14-21-4-4," and insert "IC 14-21-4-5,".

Page 5, between lines 10 and 11, begin a new line block indented and insert:

"(1) One (1) member appointed under IC 14-21-4-4(a)(1), as added by this act, for a term of three (3) years.

(2) One (1) member appointed under IC 14-21-4-4(a)(2), as added by this act, for a term of three (3) years.

(3) One (1) member appointed under IC 14-21-4-4(a)(3), as added by this act, for a term of three (3) years.

(4) One (1) member appointed under IC 14-21-4-4(a)(4), as added by this act, for a term of two (2) years.

(5) One (1) member appointed under IC 14-21-4-4(a)(5), as added by this act, for a term of two (2) years.

(6) One (1) member appointed under IC 14-21-4-4(a)(6), as added by this act, for a term of two (2) years.

(7) One (1) member appointed under IC 14-21-4-4(a)(7), as added by this act, for a term of one (1) year.

(8) One (1) member appointed under IC 14-21-4-4(a)(8), as added by this act, for a term of one (1) year.

(9) One (1) member appointed under IC 14-21-4-4(a)(9), as added by this act, for a term of one (1) year."

Page 5, delete lines 11 through 42.

Page 6, line 1, delete "IC 14-21-4-4," and insert "IC 14-21-4-5,".

Page 6, line 4, delete "do the following:" and insert "submit a report to the legislative council before August 1, 2011, that includes the commission's findings and recommendations concerning the topics in IC 14-21-4-9(5) through IC 14-21-4-9(9), as added by this act. The report must be in an electronic format under IC 5-14-6."

Page 6, delete lines 5 through 14.

Renumber all SECTIONS consecutively.

(Reference is to HB 1045 as reprinted January 25, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

RIEGSECKER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1266, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "division." and insert "office and the division under section 1915(c) of the federal Social Security Act."

Page 1, line 10, delete "any waiver administered by the division under section" and insert "a waiver".

Page 1, line 11, delete "1915(c) of the federal Social Security Act".

Page 1, line 11, after "priorities" insert "as described in subsection (e)".

Page 1, line 12, delete "waiver to certain eligible individuals." and insert "waiver."

Page 2, line 4, after "that" insert "is substantiated by the division and that".

Page 2, line 6, delete "resident" and insert "resident, or the guardian of a resident who is incapacitated,".

Page 2, line 9, delete "Children who are aging out of" and insert "An individual who will be attaining the maximum age for".

Page 2, line 11, delete "Medicaid." and insert "the office."

Page 2, line 17, after ";" insert "or".

Page 2, line 18, delete ";" and insert ".".

Page 2, delete line 19.

Page 2, line 33, delete "(e)," and insert "(f)".

(Reference is to HB 1266 as reprinted January 29, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1049, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 2. IC 21-12-3-4, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. A student who:

(1) participates in:

(A) a nursing diploma program that is accredited by the Indiana state board of nursing and operated by a hospital;

(B) a technical certificate or associate degree program at Ivy Tech Community College; or

(C) an associate degree program at a postsecondary proprietary educational institution that qualifies as an approved postsecondary educational institution; and

(2) meets the requirements in sections 1 and 2 and 3 of this chapter for a first year higher education award except the

requirement of satisfactory progress toward a first baccalaureate degree; is eligible to receive a state higher education award under this chapter. However, the student must make satisfactory progress toward obtaining the diploma, technical certificate, or associate degree to remain eligible for the award.

SECTION 3. IC 21-12-3-9, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. A higher education award for a student in a program leading to a baccalaureate degree may be renewed for a total of three (3) academic years following the academic year of the first award or until an earlier time as the student receives a degree normally obtained in four (4) academic years. A higher education award for a student in a program leading to a technical certificate or an associate degree may be renewed for the number of academic years normally required to obtain a certificate or degree in the student's program. The commission may grant a renewal only upon application and only upon its finding that:

- (1) the applicant has successfully completed the work of a preceding year;
- (2) the applicant remains domiciled in Indiana;
- (3) the recipient's financial situation continues to warrant an award, based on the financial requirements set forth in section 1(3) of this chapter; and
- (4) the applicant is eligible under ~~sections~~ **section 2 and 3** of this chapter.

SECTION 4. IC 21-12-3-10, AS ADDED BY P.L.2-2007, SECTION 253, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. Out of funds available after commitments have been met under sections 8 and 9 of this chapter, awards shall be issued to persons who have successfully completed at least one (1) but not more than three (3) academic years in approved postsecondary educational institutions, if they meet the eligibility requirements of:

- (1) sections 1 ~~and 2 and 3~~ of this chapter; or
- (2) sections 4 and 5 of this chapter.

The awards shall be handled on the same basis as renewals under section 9 of this chapter."

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2008] **585 IAC 1-9-4(4)(B) is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove that provision from the Indiana Administrative Code.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1049 as printed January 22, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

LUBBERS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1171, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "Successfully" and insert "**Beginning**

**January 1, 2009, successfully"**.

(Reference is to HB 1171 as printed January 18, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1019, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 0.

KRUSE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1051, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LUBBERS, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1144, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, after "not" insert ":

**(1)".**

Page 1, line 7, delete "(1)" begin a new line double block indented and insert "**(A)**".

Page 1, line 8, delete "(2)" begin a new line double block indented and insert "**(B)**".

Page 1, line 8, delete "." and insert "; **or**

**(2) supersede any law governing the reporting of a death by a hospital, health care facility, or provider."**

Page 2, line 3, delete "by sudden death" and insert "**suddenly,**".

(Reference is to HB 1144 as reprinted January 29, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

STEELE, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1179, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 8 with "[EFFECTIVE UPON PASSAGE]".

Page 3, after line 29, begin a new paragraph and insert:

"SECTION 9. **An emergency is declared for this act.**".

(Reference is to HB 1179 as printed January 22, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1096, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, delete lines 29 through 37.

Page 6, delete lines 21 through 26.

Page 6, delete lines 39 through 42.

Page 7, delete lines 13 through 24.

Page 7, delete lines 39 through 42.

Page 8, delete lines 1 through 2.

Page 8, line 4, delete "; IC 33-33-58-1;" and insert ".".

Page 8, delete lines 5 through 10.

Page 9, delete lines 13 through 42.

Delete pages 10 through 11.

Re-number all SECTIONS consecutively.

(Reference is to HB 1096 as reprinted January 25, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 40, delete lines 31 through 42.

Page 41, delete lines 1 through 12.

Page 244, line 3, after "IC 4-10-11-2(b)." insert "IC".

Page 248, line 25, after "IC 4-10-11-2(b)." insert "IC".

Page 248, line 34, after "IC 4-10-11-2(b)." insert "IC".

Page 249, line 34, after "IC 4-10-11-2(b)." insert "IC".

Re-number all SECTIONS consecutively.

(Reference is to HB 1137 as printed January 25, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

BRAY, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1111, has had the same under consideration and begs leave to report the same back to the Senate with the

recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 32-21-4-1, AS AMENDED BY P.L.135-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) The following must be recorded in the recorder's office of the county where the land is situated:

(1) A conveyance or mortgage of land or of any interest in land.

(2) A lease for more than three (3) years.

(b) A conveyance, mortgage, or lease takes priority according to the time of its filing. The conveyance, mortgage, or lease is fraudulent and void as against any subsequent purchaser, lessee, or mortgagee in good faith and for a valuable consideration if the purchaser's, lessee's, or mortgagee's deed, mortgage, or lease is first recorded.

(c) This subsection applies only to a mortgage. **This subsection applies regardless of when a mortgage was recorded.** If:

(1) an instrument referred to in subsection (a) is recorded; and

(2) the instrument does not comply with the:

(A) requirements of:

(i) IC 32-21-2-3; or

(ii) IC 32-21-2-7; or

(B) technical requirements of IC 36-2-11-16(c);

the instrument is validly recorded and provides constructive notice of the contents of the instrument as of the date of filing."

Re-number all SECTIONS consecutively.

(Reference is to HB 1111 as printed January 25, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 21 and 22, begin a new paragraph and insert:

**"Sec. 7. Members of the police and fire departments may not use vehicles owned or maintained by their department outside the county in which the town is located except:**

**(1) during the performance of official duties; or**

**(2) as provided for by department regulation."**

Page 4, delete lines 9 through 41, begin a new paragraph and insert:

"SECTION 4. IC 36-8-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

**Chapter 13.5. Township Fire Department Employment Policies**

**Sec. 1. This chapter applies to all townships except a township in which the fire department of the township has**

been consolidated under IC 36-3-1-6.1.

**Sec. 2.** This chapter does not apply to a volunteer fire department under IC 36-8-12.

**Sec. 3.** As used in this chapter, "member of a township fire department" does not include a volunteer firefighter under IC 36-8-12-2.

**Sec. 4.** A member of a township fire department must reside in Indiana within:

- (1) the county in which the township is located; or
- (2) a county that is contiguous to the county in which the township is located.

**Sec. 5.** A township with a population of less than seven thousand five hundred (7,500) may adopt a resolution that requires a member of the township fire department to satisfy all of the following:

- (1) Reside within:
  - (A) the county in which the township is located; or
  - (B) a distance from the township stated in the resolution.
- (2) Have adequate means of transportation into the township.
- (3) Maintain in the member's residence telephone service with the township.

**Sec. 6.** This section applies to a township that:

- (1) has a population of less than seven thousand five hundred (7,500); and
- (2) adopted a resolution to establish the requirements described in this section before September 1, 1984.

A township may require, in addition to the requirements of section 5 of this chapter, that a member of the township fire department reside within the township until the member has served in the department for five (5) years.

**Sec. 7.** A resolution adopted under section 5 or 6 of this chapter may not require a member of a township fire department to comply with section 5(1) of this chapter if the member resides:

- (1) outside the county; or
- (2) a distance outside the township greater than stated in the resolution;

on the date the resolution is adopted.

**SECTION 5.** [EFFECTIVE JULY 1, 2008] (a) IC 36-8-4.5-7, as added by this act, does not apply to or abrogate an agreement or a contract in effect on July 1, 2008.

(b) IC 36-8-4.5-7, as added by this act, applies to an agreement or a contract entered into, renewed, or extended after June 30, 2008.

(c) This SECTION expires July 1, 2011."

Renumber all SECTIONS consecutively.

(Reference is to HB 1114 as printed January 25, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed

House Bill 1077, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Engrossed House Bill 1071, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 30 through 33.

(Reference is to HB 1071 as reprinted January 29, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Engrossed House Bill 1165, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 22, delete "hospital;" and insert "**hospital or other place not intended for general habitation;**".

Page 9, line 4, delete "newly".

Page 9, between lines 7 and 8, begin a new paragraph and insert:

**"Sec. 1. This chapter applies after June 30, 2009."**

Page 9, line 8, delete "1." and insert "2."

Page 9, line 10, delete "2." and insert "3."

Page 10, line 3, after "staying;" insert "**and**".

Page 10, delete lines 4 through 6.

Page 10, line 7, delete "(3)" and insert "**(2)**".

Page 10, line 27, delete "shall" and insert "**may**".

Page 10, delete lines 36 through 42.

Page 11, delete lines 1 through 6, begin a new paragraph and insert:

"SECTION 4. IC 31-9-2-13, AS AMENDED BY P.L.138-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. (a) "Child", for purposes of IC 31-15, IC 31-16 (excluding IC 31-16-12.5), and IC 31-17, means a child or children of both parties to the marriage. The term includes the following:

(1) Children born out of wedlock to the parties.

(2) Children born or adopted during the marriage of the parties.

(b) "Child", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-2.

(c) "Child", for purposes of IC 31-19-5, includes an unborn child.

(d) **Except as otherwise provided in this section**, "child", for purposes of the juvenile law, means:

- (1) a person who is less than eighteen (18) years of age;
- (2) a person:
  - (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and
  - (B) who either:
    - (i) is charged with a delinquent act committed before the person's eighteenth birthday; or
    - (ii) has been adjudicated a child in need of services before the person's eighteenth birthday; or
- (3) a person:
  - (A) who is alleged to have committed an act that would have been murder if committed by an adult;
  - (B) who was less than eighteen (18) years of age at the time of the alleged act; and
  - (C) who is less than twenty-one (21) years of age.

(e) **"Child", for purposes of IC 31-36-3, means a person who is less than eighteen (18) years of age.**

(f) **"Child", for purposes of the Interstate Compact on Juveniles under IC 31-37-23-1, has the meaning set forth in IC 31-37-23-1.**

(g) **"Child", for purposes of IC 31-16-12.5, means an individual to whom child support is owed under:**

- (1) a child support order issued under IC 31-14-10 or IC 31-16-6; or
- (2) any other child support order that is enforceable under IC 31-16-12.5.

(h) **"Child", for purposes of IC 31-27 and IC 31-32-5, means an individual who is less than eighteen (18) years of age.**

(i) **"Child", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-3."**

Page 12, delete lines 2 through 5, begin a new paragraph and insert:

"SECTION 9. IC 31-17-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. A court, in a proceeding under IC 31-17-2, IC 31-17-4, this chapter, ~~or~~ IC 31-17-7, **or IC 31-28-5**, may appoint a guardian ad litem, a court appointed special advocate, or both, for a child at any time."

Page 12, line 18, delete "or".

Page 12, line 19, delete "litem or" and insert **"litem, a"**.

Page 12, line 19, delete "advocate" and insert **"advocate, or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child"**.

Page 12, line 27, delete "any individual" and insert **"the child's guardian ad litem or court appointed special advocate"**.

Page 12, line 38, delete "A guardian ad litem or court appointed special advocate" and insert **"The provisions of IC 31-17-6 apply to a guardian ad litem or court appointed special advocate appointed under this section."**

Page 12, delete lines 39 through 42.

Page 13, delete lines 1 through 18.

Page 13, delete lines 25 through 36.

Page 13, line 37, delete "3. An individual who is at least sixteen (16) years of age and" and insert **"2. A child"**.

Page 13, delete line 38.

Page 13, run in lines 37 through 39.

Page 13, line 40, delete "individual" and insert **"child"**.

Page 14, line 4, delete "individual's" and insert **"child's"**.

Page 14, between lines 5 and 6, begin a new paragraph and insert:

**"Sec. 3. (a) Except as provided in subsection (d), if a child voluntarily enters an emergency shelter or a shelter care facility, the shelter or facility shall notify the department, not later than twenty-four (24) hours after the child enters the shelter or facility, of the following:**

**(1) The name of the child.**

**(2) The location of the shelter or facility.**

**(3) Whether the child alleges that the child is the subject of abuse or neglect.**

**(b) The department shall conduct an investigation concerning the child not later than forty-eight (48) hours after receiving notification from the emergency shelter or shelter care facility under subsection (a).**

**(c) The department shall notify the child's parent, guardian, or custodian that the child is in an emergency shelter or a shelter care facility not later than seventy-two (72) hours after the child enters the shelter or facility. However, the department may not notify the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered.**

**(d) An emergency shelter or a shelter care facility is not required to notify the department of a child who is an emancipated minor."**

Page 14, delete lines 6 through 28.

Renumber all SECTIONS consecutively.

(Reference is to HB 1165 as reprinted January 29, 2008.) and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 35

Senate Concurrent Resolution 35, introduced by Senators Becker and Deig:

A CONCURRENT RESOLUTION congratulating the Evansville Memorial High School Boys Soccer Team on winning the IHSAA State Tournament.

*Whereas, On Saturday, October 27, 2007, at Kuntz Stadium in Indianapolis, the Evansville Memorial High School Boys Soccer Team defeated Chesterton to win the IHSAA State Championship Title;*

*Whereas, The teams fought hard in the first half, but the game remained scoreless at halftime. During the second half, in a free kick that resulted from a Chesterton foul, Daniel Farabaugh lofted the ball over the defenders and Andrew Fuchs headed it in to score;*

*Whereas, The Tiger defense was relentless during the final nineteen minutes, holding the Trojans to a scoreless game; and*

*Whereas, Having lost in the semifinal round in 2005 and 2006, teammates and fans were finally able to relish a state championship victory: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Evansville Memorial Boys Soccer Team on winning the 2007 IHSAA State Tournament.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Evansville Memorial Principal, Gerry Adams; Coach, Bill Vieth; and each member of the Evansville Memorial Boys Soccer Team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Avery, Crouch, Van Haaften, and Hoy.

#### **Senate Concurrent Resolution 34**

Senate Concurrent Resolution 34, introduced by Senators Jackman and Nugent:

A CONCURRENT RESOLUTION in support of American agriculture.

*Whereas, American and Canadian agriculture produces the most abundant, most affordable, and safest food supply in the world;*

*Whereas, Modern North American agriculture production is a dynamic and changing enterprise that is being driven by economies of scale and affected by the economic realities of rising input costs;*

*Whereas, Consumers have the right to know how their food is produced and agriculture producers support an open and transparent system;*

*Whereas, Marketing niches, environmental requirements, and consumer choices require that agriculture producers have access to all approved technology and production methods backed by scientific data so that they may choose what works best for their respective production systems;*

*Whereas, It is important to support the modern agriculture community's efforts to promote choices of farming methods, practices, and crops;*

*Whereas, It is recognized that the economic and other intrinsic values to the country are in diversified agricultural industries, bolstered by mutually supportive coexistence within and among its sectors;*

*Whereas, It is important to highlight and support the facts and truth about modern agriculture production and technology when misleading propaganda occurs that can affect consumer perceptions or misconceptions; and*

*Whereas, Mutual support of all approved agriculture production techniques among producers, processors, marketers, and policy makers is necessary for the states and provinces to continue to lead the world in the safe and efficient production of wholesome, nutritious food, quality fiber, and home grown fuel, while preserving and protecting the environment: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly shows its support for American agriculture.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Governor Mitch Daniels and Andy Miller, Director of the State Department of Agriculture.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Friend, Gutwein, Battles, and Grubb.

#### **Senate Concurrent Resolution 32**

Senate Concurrent Resolution 32, introduced by Senators Tallian and Gard:

A CONCURRENT RESOLUTION honoring Lee Botts for her work on environmental protection since the 1960s on the occasion of her 80th birthday celebration.

*Whereas, Lee Botts began her work to protect the Great Lakes in 1969 when she founded the Lake Michigan Federation, was a member of the advisory committee for the Ford Foundation Energy Policy Project, was named chair of the Great Lakes Basin Commission by President Jimmy Carter in 1978, and was a research associate at the Center for Urban Affairs and Policy Research of Northwestern University;*

*Whereas, Lee Botts helped organize the binational citizens' coalition, Great Lakes United, was a consultant to the National Research Council for a study of toxic contamination of the Great Lakes by the National Academy of Science and the Royal Society of Canada, the U.S. chair for the Third Interuniversity Seminar for the Great Lakes, was principal U.S. author of An Atlas of Great Lakes Resources, and was appointed head of the City of Chicago's environmental agency;*

*Whereas, Lee Botts served as an environmental advisor to the 1992 Clinton presidential campaign, completed a short report on the state of the environment in Northwest Indiana, and was the principal U.S. investigator for a review of the 25 years of experience under the Great Lakes Water Quality Agreement with Canada sponsored by the Institute for International*



*Environmental Governance of Dartmouth College;*

*Whereas, Lee Botts is a member of the Indiana Save the Dunes Council, Illinois Global Climate Change Task Force, the Environmental Policy Management Committee of Northwest Indiana Regional Planning Commission, the Trade and Environment Policy Advisory Committee to the Office of the U.S. Trade Representative in Washington D.C., is a founding member of the Quality of Life Council, and is president of the Indiana Dunes Environmental Learning Center; and*

*Whereas, Lee Botts is a Board Member Emeritus of the Lake Michigan Federation, a board member of the Delta Institute, serves on advisory panels for several other environmental groups, was honored for her contributions to the global environment by the United Nations Environment Programme, has received awards for the Hoosier Environmental Council, the Lake Michigan Federation, the Grand Calumet Task Force, and other environmental groups, and has received an honorary doctorate from Indiana University: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly hereby recognizes Lee Botts for her long career as a champion of environmental protection, both inside and outside the government, not only for Lake Michigan, but to environmental issues of national and global significance.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Lee Botts, Save the Dunes Council, and the Alliance for Great Lakes.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative C. Brown.

#### **Senate Concurrent Resolution 37**

Senate Concurrent Resolution 37, introduced by Senator Nugent:

A CONCURRENT RESOLUTION recognizing the 75th anniversary of the National Muzzle Loading Rifle Association.

*Whereas, Visionaries Red Farris, Boss Johnston, Bull Ramsey, Walter Grote, and others founded the National Muzzle Loading Rifle Association (NMLRA) in 1933;*

*Whereas, The NMLRA's stated mission is "To promote, support, nurture, and preserve NMLRA's and our nation's rich historical heritage in the sport of muzzleloading through recreational, educational, historical, and cultural venues such as match competition, hunting, gun making and safety, historical re-enactments, exhibits, museums, libraries, and other related programs";*

*Whereas, Through the 75 years that the NMLRA has been in existence, the members have gallantly continued the founders'*

*visions by expanding the organization to include education, training, and shooting opportunities;*

*Whereas, Although based in Friendship, Indiana, through the members' perseverance and dedication, the NMLRA currently maintains charters with local and regional clubs in all fifty states and in Canada; and*

*Whereas, To commemorate the 75<sup>th</sup> anniversary of the organization, the NMLRA has created a special shield with a ribbon on which "Heritage, Spirit, Future" is inscribed and a commemorative knife: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the General Assembly recognizes the National Muzzle Loading Rifle Association on its 75<sup>th</sup> anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all NMLRA officers: President Winston Roland, First Vice-President Buddy Townsend, Second Vice-President Bob Voegelé, Third Vice-President M.J. Longstreth, Secretary Alan Shourds, and Treasurer Ralph Walker.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Duncan and Bischoff.

#### **Senate Concurrent Resolution 36**

Senate Concurrent Resolution 36, introduced by Senator Nugent:

A CONCURRENT RESOLUTION recognizing the Aurora Farmer's Fair on its 100th anniversary which will take place in October, 2008.

*Whereas, The Aurora Farmer's Fair, one of Indiana's oldest street festivals, occurs annually in Aurora, Indiana on the first Thursday, Friday, and Saturday of October. 2008 will mark the 100<sup>th</sup> anniversary of this tradition;*

*Whereas, Aurora is located in the Southeast corner of Indiana along the Ohio River in Dearborn County. Many of the town's residents consider the Farmer's Fair to be the highlight of the year;*

*Whereas, The Farmer's Fair began as a harvest fair, but has expanded to include carnival games and rides, live entertainment on each night of the fair, a wide variety of exhibits and contests, and a parade with a vast array of floats, middle and high school marching bands, and even the customary fire engines;*

*Whereas, The Farmer's Fair is sponsored by the Aurora Indiana Lion's Club. Founded in 1948, the club consists of individuals who share a deep passion for service to their*

*community. With the motto, "We Serve," they donate their time and energy to make Aurora a better place; and*

*Whereas, Because the Farmer's Fair is such a great event, people from near and far come out to mingle with friends, compete for prizes, take in the historic beauty of Aurora, and enjoy the festivities: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the Aurora Farmer's Fair on its upcoming 100<sup>th</sup> anniversary.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to the Aurora Farmer's Fair and the Aurora Indiana Lion's Club.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Bischoff.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1293.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Merritt, Simpson, and Breaux be added as cosponsors of Engrossed House Bill 1165.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as cosponsor of Engrossed House Bill 1293.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as cosponsor of Engrossed House Bill 1077.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Deig and Hume be added as cosponsors of Engrossed House Bill 1153.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Errington be added as

cosponsor of Engrossed House Bill 1153.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1224.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker, Breaux, and Riegsecker be added as cosponsors of Engrossed House Bill 1017.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as cosponsor of Engrossed House Bill 1204.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1359.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1118.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as sponsor of Engrossed House Bill 1118 and that Senator Weatherwax be substituted therefor.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as third sponsor of Engrossed House Bill 1118.

WEATHERWAX

Motion prevailed.

**REPORT OF THE PRESIDENT  
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1204, currently assigned to the Committee on Homeland Security, Transportation and Veterans Affairs, be reassigned to the Committee on Appropriations.

LONG

Report adopted.

**SENATE MOTION**

Madam President: I move that Senators Lanane, Errington, and Waltz be added as cosponsors of Engrossed House Bill 1026.

MERRITT

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Charbonneau be added as coauthor of Senate Concurrent Resolution 32.

TALLIAN

Motion prevailed.

**SENATE MOTION**

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1114.

LAWSON

Motion prevailed.

**SENATE MOTION**

Madam President: I move we adjourn until 1:30 p.m., Monday, February 11, 2008.

LAWSON

Motion prevailed.

The Senate adjourned at 2:05 p.m.

MARY C. MENDEL  
Secretary of the Senate

REBECCA S. SKILLMAN  
President of the Senate